

SUPREME COURT OF INDIA

Buddha Tri-Ratna Mission

Vs.

Delhi Development Authority

C.A.No.4889 of 2002

(Tarun Chatterjee and Harjit Singh Bedi JJ.)

14.05.2008

ORDER

1. This appeal is preferred against the judgment and order dated 22nd of May, 2000 passed by a Division Bench of the High Court of Delhi in LPA NO.226 and CM Nos. 846-848/2000.

2. We have heard the learned counsel for the parties and also examined the order under appeal. While dismissing the appeal in limine, the Division Bench of the High Court was not in a position to accept the submission of the learned counsel for the appellant that the appellant need not be entirely a charitable institution. It was rightly pointed out by the Division Bench that the learned Single Judge of the Delhi High Court did not rightly consider the cases in the context of Section 115 of the Delhi Municipal Corporation Act as relevant. As according to them, the said provision was totally different and in this view of the matter, the LPA was dismissed. However, after dismissing the appeal, the Division Bench had further issued a notice to the Land and Development Officer and Delhi Development Authority which was confined to the aspect of deposit of balance amount. It appears from the said order that a sum of Rs.10,50,000/- was already deposited as per direction of the High Court and accordingly there was a stay of cancellation of allotment of land in favour of the appellant. It was further directed that till the next date of hearing, the respondent would not cancel the allotment of the land in favour of the appellant. After the leave was granted on 9th of August, 2002, this Court directed, as an interim measure, the parties to maintain status quo till the disposal of the appeal. This interim order of status quo is still continuing.

3. After hearing learned counsel for the parties and after considering the fact that Rs.10,50,000/- had been deposited as per direction of the Delhi High Court and that the status quo order was granted by this Court in the year 2002, we only direct that if the appellant deposits the balance amount, if not already deposited in the High Court, within two months from the date of supply of a copy of this order, the respondents shall not cancel the allotment of the land made in favour of the appellant if cancellation of the allotment of the land in favour of the appellant has not already been done by the Delhi Development Authority and others.

4. With these observations, we dispose of the appeal. There will be no order as to costs.